



YOUR EQUITABLE ADVANTAGE

April 28, 2025

Via ECF

Hon. Gary R. Brown
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Davis v. State University of New York, et al
Docket No.: 2:24-cv-08905

Dear Hon. Judge Brown:

This firm represents Plaintiff Brittany Davis in the above-referenced action. We respectfully submit this letter in response to Defendants' Long Island Plastic Surgical Group, P.C., Nassau Health Care Corporation and Nassau University Medical Center (collectively "Defendants") letter motion requesting a pre-motion conference in anticipation of filing a motion to dismiss.

Defendants' letter presents only one argument, that Plaintiff's federal claims relating to the 2020-21 Cycle are time-barred.¹ While Plaintiff does not oppose dismissal of her federal claims concerning the 2020-21 Cycle, the dismissal of these claims does not translate to a dismissal of the Complaint as a whole. Still outstanding are Plaintiff's federal claims relating to the 2021-22 Cycle as well as the entirety of Plaintiff's state law claims against Defendants, which were tolled during the more than two-year pendency of Plaintiff's charge with the EEOC (December 6, 2022-December 27, 2024). *See Schneider v. Wal-Mart Stores, Inc.*, No. 16-cv-2010, 2019 WL 294309, at *3 (S.D.N.Y. Jan. 23, 2019) (collecting cases). Accordingly, Plaintiff respectfully submits that the Court should not dismiss Plaintiff's Complaint against Defendant, with the exception of the 2020-21 Cycle federal claims.

We thank the Court for its time and attention to this matter.

¹ Defendants also purport to join Defendant State University of New York, Stony Brook Medicine's ("Stony Brook") application for a pre-motion conference. However, other than the statute of limitations argument as to the 2020-21 Cycle claims likewise made by Defendants, Stony Brook's arguments are specific to Stony Brook.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marjorie Mesidor', with a stylized flourish at the end.

MARJORIE MESIDOR

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